

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Rules and Regulations Implementing the)	CG Docket No. 02-278
Telephone Consumer Protection Act of 1991)	CC Docket No. 92-90

COMMENTS OF IBM CORPORATE MARKET INTELLIGENCE

IBM Corporate Market Intelligence submits these comments in response to CMOR's comments on the Notice of Proposed Rulemaking in this proceeding.

INTRODUCTION AND STATEMENT OF POSITION

IBM is the world's largest technology company, providing IT hardware, software, and related technology-related services to companies around the world. IBM's Corporate Market Intelligence function provides business information to all segments of the company, and serves as a model and standard for all survey market research conducted in IBM. Corporate Market Intelligence is also a rule-making body setting guidelines for such research throughout the company.

IBM is an information-driven company, using survey research to sense and respond to marketplace changes and to drive improvements in our processes, products, and our marketing plans. Survey research helps us understand what IT customers want and need to make the most of and grow their businesses. Survey research also tells us the best way to deliver our products and services to IT customers. We use survey research as a corrective mechanism as well, with programs that gather information on customer satisfaction and the customer experience of IBM. This research is a critical business information feed that guides our distribution and manufacturing processes. It is an indispensable part of how we insure that IT customers can get what they need when they need it, and is critical to moving our own business forward.

For the reasons set forth below, we are in agreement with the CMOR comments that survey research calls are categorically and entirely distinct from telephone solicitation and in the ordinary conduct of our business do not reach the level of nuisance that the TCPA is designed to regulate.

REPLY TO COMMENTS OF CMOR

A. SURVEY RESEARCH CALLS ARE COMPLETELY DISTINCT FROM TELEPHONE SOLICITATION

Survey research is seen as a serious science in IBM Corporate Market Intelligence. In the interest of scientific integrity and in line with industry practices, survey research is not used in conjunction with sales calls, to deliver advertising, or as part of any other marketing program. Marketing programs are in fact distinct from the Corporate Market Intelligence function. Using survey research for any other purpose outside obtaining IT customers' perspectives would sacrifice the research validity and contaminate the business information that we rely on -- it is actually in our best interest not to use survey research for any other purpose.

Confidentiality concerns are also paramount. Because our goal is to obtain statistically valid survey information, the information we gather is examined across groups of individuals. We do not examine survey responses at the respondent level. Moreover, identifying information is not revealed to IBM Corporate Market Intelligence, unless respondents particularly request to be contacted in order to rectify a problem or concern with IBM products and services. As a rule, problem solving and support providing are the only reasons we contact respondents, and only at the request of a respondent; we do not use the information gathered to re-contact respondents for sales or marketing purposes.

B. SURVEY RESEARCH CALLS ARE NON-INTRUSIVE BY DESIGN

IBM Corporate Market Intelligence has several processes in place to insure that our survey research is non-intrusive. These processes include internal reviews to eliminate redundancies and create efficiencies in survey research, and careful well-planned targeting of respondents to insure that we contact as few people as possible. As a rule we also do not permit an entire establishment to be represented by more than one interview for any particular survey. In our customer satisfaction work, we have established an elaborate process to insure that the same individual is not contacted more than once per year (if at all).

Respondent cooperation is critical to our business. It is therefore in our own best interests that survey research is seen as non-intrusive, and we have established these processes to insure that we contact the minimum number of respondents required to obtain the information we need.

Respectfully submitted,

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